

REMARKS/ARGUMENTS

This is response to the Official Action mailed April 4, 2008 for the above-captioned application. Reconsideration of the application as amended is respectfully requested.

Applicants request an extension of time sufficient to make this paper timely, and enclose the fee.

Applicants thank the examiner for taking the time to meet with their attorney to discuss this application. This paper will serve as Applicants' summary of the interview.

During the interview, the arguments previously submitted concerning the nature of stair lift chairs, as distinct from seat belts for automobiles and child safety seats was discussed. Stairlift chairs are used by person who have some degree of infirmity but who generally desire to maintain the greatest degree of independent possible. They do not need to deal with safety at high speeds, but they must be easily operated or they will not be used. In contrast, automobile safety belts and child safety seats are intended to provide a restraint system for automotive seats. Moreover, child safety seats are designed for persons totally dependent on outside assistance, and indeed may be configured to make outside assistance mandatory so that somewhat older children cannot release themselves from the seat.

Independent claim 24 has been amended in a manner consistent with the discussion at the interview. Specifically, the claim amendment provides definition of more parts of the chair (a front, back and two sides) in view of the Examiner's statement in the office action that in the absence of such definition the front and back of the chair could be viewed as lateral sides.

Claim 24 along with claims 3-8 and 13 which are dependent thereon were rejected as obvious over the combination of Gray and Tremblay. The Gray reference relates to a child safety seat in which the belt passes from the back to the front of the seat, not between two lateral sides. Given the additional language now added to claim 24 which excludes the possibility advanced by the Examiner of the front and back being "lateral sides" and the discussion with the Examiner during the interview, this rejection is believed to be overcome by the amendment.

Claim 24, along with claims 5, 6, and 10-12 which are dependent thereon are rejected as obvious over the combination of Tremblay in view of Nicholas. The seat belt of Tremblay is a conventional seat belt, much like that found in a car. The seat belt has a buckle which is passed over the occupant's waist and engaged into a fixed socket on the opposite side of the chair. It is not uncommon for stairlift users to have a loss of dexterity which makes it awkward or impossible for them to locate the locking tab of the seat belt buckle into the locking socket. As a consequence, the seatbelt is often ignored, resulting in a safety issue. Tremblay addresses this safety issue, but does not do so with an engagement arrangement which makes the seat belt any easier to use.

The Nicholas reference contains a mention of a retractor that travels with the belt, but there is no explanation of what is meant by this term. Thus, it cannot be fairly said that this language must be interpreted to meet the limitations of the present claims in which the reel carrier (as opposed, for example, to the end of the belt) has a fixing component which affixes the belt closed. Furthermore, nothing in Nicholas shows attachment of the belt to a chair, as opposed to a space adjacent to a chair. Thus, Applicants submit that the teachings of Nicholas, if combined with the teachings of Tremblay in a manner not guided by hindsight, would not yield the present invention.

Claim 19 and 24, and claims 3 and 4 which are dependent on claim 24 are rejected as obvious over Tremblay in view of Weman. As discussed at the interview and noted in the Office Action, the embodiment of Fig. 2 of Weman is most relevant to this rejection. Fig. 2 shows a seat belt for a car in which a lap and shoulder belt are fixed to the side of the car. The shoulder belt is further connected to a belt winder (25). The lap belt is tensioned using a belt winder (30) that is attached to the side of the car. Weman teaches that this use of two winders is important to secure independent tensioning of the two belts, for increased safety in the event of a collision.

As discussed at the interview, this rejection, as well as the one incorporating Nicholas attempts to combine elements of automotive seat belt art with stair lift chairs, but fails to take into account the differences between these two arts. In an automobile, the seat and the occupant are held in position within the body of the car, and thus have a fixed shell surrounding both to which components can be attached. Indeed, for safety in automobile seat belts, the attachment points need to be on the car, not the chair, so that the seat does not become merely an ejection seat during a collision. Two such fixed points are used in Weman to attach the ends of the two belts to the car. This cannot be done in a stairlift, since the chair (and its occupant) must be able to move relative to the adjacent structure (the stairway wall and rail 116 in Fig. 6 of Tremblay). Furthermore, the need for precise and separate tensioning, which is the issue addressed in Weman is not of particular significance in stairlift chairs, since the speed involved is not significant.

Claim 19 requires one belt fixed to the chair at one end and to the reel of the carrier at the other, and a second belt fixed to the chair at one end and to the reel carrier at the other end. In Weman Fig. 2, the lap belt is attached to a reel carrier on the car wall at one end and to the tongue of the buckle at the other. This is not the same as a belt fixed to the chair at one end and to the reel carrier at the other end, because attachment of the lap belt to the buckle is not the same as attached to the belt winder for purposes of enhanced ease of manipulation by someone lacking manual dexterity.

In claim 24, the belt discussed passes from one spaced aside to the other, not from one side to the back. Thus, this belt is not a shoulder belt but a lap belt (see claim 13). This belt is affixed to the reel of the reel carrier at one end. In Weman, the belt that is attached to the belt winder 25 is the shoulder belt, not the lap belt, and Weman provides an explanation as to why

this choice is the one that is desirable, particularly so that the shoulder belt can be adjusted after buckling. Thus, combining Weman with Tremblay would at most yield a chair in which a shoulder belt attached to the back of the chair was connected to a belt winder that attached to an opposite side of the chair. This is not what is claimed.

In view of the foregoing, Applicants submit that this application is now in form for allowance. Favorable reconsideration and allowance of all claims are respectfully urged.

Respectfully submitted,

A handwritten signature in cursive script, reading "Marina T. Larson".

Marina T. Larson Ph.D.
PTO Reg. No. 32,038
Attorney for Applicant
(970) 262 1800